

16

RESOLUTION NO. _____

**AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL SURFACE
TRANSPORTATION FUNDS THROUGH THE METROPOLITAN TRANSPORTATION
COMMISSION'S TRANSPORTATION FOR LIVABLE COMMUNITIES PROGRAM FOR
MIDTOWN TRANSPORTATION AND STREETScape IMPROVEMENTS PHASE I AND
COMMITTING THE NECESSARY LOCAL MATCH FOR THE PROJECT(S) AND
STATING THE ASSURANCE OF CITY OF MILPITAS TO COMPLETE THE PROJECT**

WHEREAS, the Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Public Law 109-59, August 10, 2005) continue the Surface Transportation Program, and the Congestion Mitigation and Air Quality Improvement Program; and

WHEREAS, pursuant to SAFETEA-LU, and the regulations promulgated thereunder, eligible project sponsors wishing to receive federal transportation grants for a project shall submit an application first with the appropriate metropolitan transportation planning organization (MPO) for review and consideration in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, the Metropolitan Transportation Commission is the San Francisco Bay Area's MPO; and

WHEREAS, City of Milpitas is an eligible project sponsor for federal transportation funds; and

WHEREAS, City of Milpitas wishes to receive federal transportation funds through MTC's Transportation for Livable Communities (TLC) Program's capital grants for the following project: (project description)

WHEREAS, MTC requires a resolution stating the following:

- 1) the commitment of necessary local matching funds of at least 11.5%; and
- 2) that the sponsor understands that the federal funding through the TLC program is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded through the TLC program; and
- 3) the assurance of the sponsor to complete the project as described in the application, and if approved, as programmed in MTC's TIP; and
- 4) that the sponsor understands that funds must be obligated by June 30, 2009 for TLC capital projects, or the project may be removed from the program.

NOW, THEREFORE, BE IT RESOLVED the City of Milpitas is authorized to proceed with the federal-aid process with Caltrans for TLC funding in the amount of \$2,956,000 for Midtown Transportation & Streetscape Improvements; and

BE IT FURTHER RESOLVED that the City of Milpitas, by adopting this resolution hereby states that:

- 1) The City of Milpitas will provide \$ 1,000,000 in local matching funds; and
- 2) The City of Milpitas understands that the TLC Program funding for the project is fixed at (\$ TLC amount), and that any cost increases must be funded by the City of Milpitas from local matching funds, and that the City of Milpitas does not expect any cost increases to be funded through the TLC program; and
- 3) Midtown Transportation and Streetscape Improvements Phase I will be built as described in this

resolution and submitted application and, if approved, for the amount shown in the Metropolitan Transportation Commission (MTC) Transportation Improvement Program (TIP) with obligation occurring within the timeframe established below; and

- 4) The program funds will be obligated by June 30, 2009 for TLC capital projects.

BE IT FURTHER RESOLVED that a copy of this resolution will be transmitted to MTC.

PASSED AND ADOPTED this _____ day of _____ 2006, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Steven T. Mattas, City Attorney